

April 10, 2018

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By Mail:

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
New York, NY 10007

Re: *Robert Zimmerman v. UBS Ag, et al, No, 17-CV-4503-JMF*

Dear Judge Furman:

Plaintiff writes to respectfully request that this Court consider striking Schwab Defendants' motions for sanctions and to compel arbitration. Federal Rule of Civil Procedure 12(f) and Judge Furman's Rule 4(B) authorize this Court to strike, as here, pleadings that fail to directly address the substantive law, facts and allegations raised in Plaintiff's First Amended Complaint. Instead of answering either Plaintiff's original or amended complaint, Schwab has sought to intimidate Plaintiff with its unresponsive motions because Schwab knows it has no adequate defense to Plaintiff's allegations, facts and applicable law.

Schwab Defendants also know, or should have known, that Judge Furman's Rule 4(B) precludes the outcomes their motions seek. Judge Furman's Rule 4(B) states "...the Court will not retain jurisdiction to enforce confidential settlement agreements." In clear defiance of Judge Furman's Rule 4(B), Schwab Defendants have asked this Court to go well beyond retaining jurisdiction enforcing a confidential settlement agreement that was never properly brought before this Court and rule on a confidential settlement agreement that was not the result of a Court action and was not properly brought by Schwab in any action in any Court.

Therefore, pursuant to Federal Rule of Civil Procedure 12(f) and Judge Furman's Rule 4(B),

and for the reasons set out in Plaintiff's Oppositions to Schwab's motions, as above, Plaintiff respectfully requests that this Court strike Schwab's motions and Order Schwab to immediately Answer Plaintiff's First Amended Complaint or default.

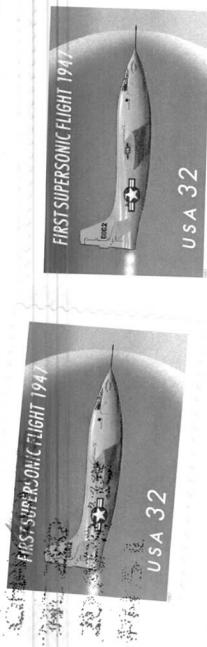
Most respectfully submitted by mail on April 10, 2018.



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